



**WESTERN MARINE CONSTRUCTION INC.**

1011 S.W. KICKITAT WAY  
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October 15, 2008

**Via Express Mail**

United States Environmental Protection Agency, Region 10  
Claire Hong, Remedial Project Manager  
Environmental Cleanup Office, ECL-111  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Re: Response to Section 104(e) Request for Information for Lower Duwamish  
Waterway Site

Dear Ms. Hong:

We are submitting this response to the Section 104(e) Request for Information ("104(e) Request") from the U.S. Environmental Protection Agency ("EPA"). The 104(e) Request, which was issued in connection with the Lower Duwamish Waterway Superfund Site, requested information and documents specifically relating to King County Parcel Number 6871200695, located at 7245 - 2<sup>nd</sup> Avenue South, Seattle, WA, 98108. This response is based on all existing records and information of Western Marine Construction, Inc. ("Western Marine"), as well as certain public records obtained from King County.

**INTRODUCTION AND OBJECTIONS**

While the 104(e) Request covers the time period from 1990 to present, Western Marine has been a tenant of subject Parcel 6871200695 only since November 2001. Nonetheless, we have answered each request to the best of our knowledge, from 1990 to present, including records we have been able to locate from the period prior to our tenancy.

The attached Response to the 104(e) Request and related documents and exhibits demonstrate that Western Marine has conducted no activities at subject site that warrant the issuance of a General Notice Letter to Western Marine Construction, Inc.

Western Marine has conducted a diligent search for records responsive to the 104(e) Request. Enclosed you will find our Response and documents labeled "Exhibits" that are relative to the Request sections as indicated.

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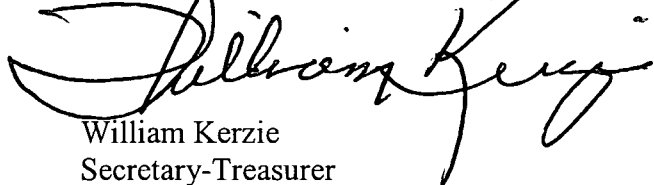
With respect to the financial information requested in Section 4 (Financial Information), Western Marine asserts a confidentiality claim pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). The confidentiality claim applies to all of the information requested in information requests 4(a), 4(b) and 4(c). Western Marine has stamped "Confidential" on all of the documents provided in response to those requests and has separated those documents in a sealed envelope labeled "Exhibit 12 – Financial Information", from the rest of its response to this 104(e) Request.

Western Marine desires to fully cooperate in EPA's investigation. However, it objects to these requests to the extent that they seek documents or information protected from disclosure by the attorney-client privilege or attorney-client communications. In addition, we object to the statement that "EPA has documented that such a release of hazardous substances, pollutants or contaminants has occurred at the Site", but does not state what, exactly where, or when said release took place, or is still taking place. As set forth in the attached response, the evidence indicates that Western Marine has not been associated with a release of a hazardous substance, pollutant or contaminant.

Subject to and without waiving the above objections, Western Marine's Response to EPA's 104(e) Request, including certification and responsive documents, is enclosed.

Sincerely,

WESTERN MARINE CONST., INC.



William Kerzie  
Secretary-Treasurer

Express Mail  
Encl: as noted.

